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PATENT
Customer No. 34,986
Attorney Docket No. 01064.0011-05-000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:

Richard LEVY

Application No.: 09/359,809

Filed: July 23, 1999

For: LUBRICANT COMPOSITIONS AND
METHODS

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) Group Art Unit: 1714

) Examiner: Cephia Toomer

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

NOTICE OF APPEAL

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated May 24, 2006 of the Examiner rejecting the application a third time.

The item(s) checked below are appropriate:

1. A Petition for extension of time to respond to the final rejection was filed on [Date] extending the period for response to [Date].
2. A Petition for extension of time to further extend the period for response to [Date] is enclosed together with a fee of \$[Fee].
3. The Appeal Fee of \$500.00 (or \$250.00 if by small entity)
 is enclosed or is to be charged to
4. An Appeal was filed in this application on April 10, 2002 with an appeal fee in the amount of \$160.00. The examiner reopened prosecution, and applicant appealed on October 10, 2005 (the third appeal filed in this application). The Manual of Patent Examining Procedure §1208.02 waives payment of the previously paid \$160.00 of the \$250.00 Notice of Appeal fee in these circumstances, but requires payment of the

Adjustment date: 05/31/2006 WABDELR1
04/11/2002 HDENESS1 000000080 09359809
0 FC:219 -160.00 OP

05/31/2006 WABDELR1 000000013 09359809
01 FC:2401 250.00 OP

\$90.00 balance. Applicant submits FORM PTO 2038 for payment of this \$90.00 balance.

Respectfully submitted,

THE LAW OFFICES OF ROBERT J. EICHELBURG

By: Robert J. Eichelburg, Reg. No. 23,057/
Robert J. Eichelburg

Dated: May 30, 2006

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CERTIFICATE OF FACSIMILE TRANSMISSION PURSUANT TO 37 C.F.R. § 1.6 (d)

I hereby certify that this correspondence and the aforementioned FORM PTO 2038 is being transmitted pursuant to 37 C.F.R. § 1.6(d) by facsimile to The United States Patent and Trademark Office at their Central FAX Number, (571) 273-8300, on the date indicated below.

Dated: May 30, 2006

By: Robert J. Eichelburg, Reg. No. 23,057/
Robert J. Eichelburg